



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 18, 1998

Ms. Sheila Gladstone
Haynes and Boone
600 Congress Avenue, Suite 1600
Austin, Texas 78701-3236

OR98-1228

Dear Ms. Gladstone:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 115865.

The Community Supervision and Corrections Department for the 2nd 25th Judicial District (the "department") received a request for certain records relating to a specific resident of the department's Intermediate Sanction Facility. You contend that the requested information is not subject to the Open Records Act because the information consists of records of the judiciary. Alternatively, you assert that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of documents.¹

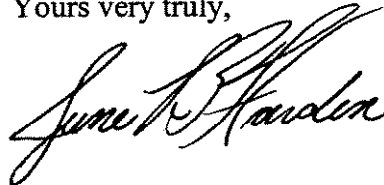
In Open Records Decision No. 646 (1996), we determined that a community supervision and corrections department is a governmental body for purposes of the act, and that its administrative records, such as personnel records and other records reflecting day-to-day management decisions, are subject to the act. *Id.* at 5. On the other hand, we also ruled that specific records regarding individuals on probation and subject to the direct supervision of a court that are held by a community supervision and corrections department are not subject to the act because such records are held on behalf of the judiciary. *Id.* After reviewing the submitted information, we agree that the requested information consists of records of the judiciary. Consequently, the department is not required to release the records to the requestor. Although the act does not govern the release of judiciary records, the

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

custodian of judiciary records may, of course, choose to release judicial records that are not confidential by law.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/gle

Ref.: ID# 115865

Enclosures: Submitted documents

cc: Dr. Brian A. Williams
4019 Block Drive, # 1167
Irving, Texas 75038
(w/o enclosures)

²Because we are able to make a determination under section 552.003, we do not address your claimed exceptions under the Open Records Act.